

**Amendment No. 8 to HB2556**

**Campfield  
Signature of Sponsor**

**AMEND Senate Bill No. 2616**

**House Bill No. 2556\***

by adding the following as new sections immediately preceding the effective date section and substituting instead the following:

SECTION \_\_. Tennessee Code Annotated, Section 39-13-109, is amended in the first sentence of subsection (a) by deleting the language "(HIV)" and by substituting instead the language "(HIV), to hepatitis B virus (HBV), or to hepatitis C virus (HCV)".

SECTION \_\_. Tennessee Code Annotated, Section 39-13-109, is further amended in the first sentence of subsection (a) by deleting the language "HIV" and by substituting instead the language "HIV, with hepatitis B virus (HBV), or with hepatitis C virus (HCV)".

SECTION \_\_. Tennessee Code Annotated, Section 39-13-109, is amended in subdivision (a)(2) by deleting the language "HIV transmission" and by substituting instead the language "HIV, or hepatitis B virus (HBV) or hepatitis C virus (HCV) transmission".

SECTION \_\_. Tennessee Code Annotated, Section 39-13-109, is amended in subdivision (b)(2) by deleting the language "HIV transmission" and by substituting instead the language "HIV, hepatitis B virus (HBV), or hepatitis C virus (HCV) transmission".

SECTION \_\_. Tennessee Code Annotated, Section 39-13-109, is amended by designating the existing language of subsection (c) as subdivision (c)(1), and by adding the following new subdivisions thereto:

(2) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the person exposed to hepatitis B virus (HBV) knew that the infected person was infected with hepatitis B virus (HBV), knew that the action could result in infection with hepatitis B virus (HBV), and gave advance consent to the action with that knowledge.

(3) It is an affirmative defense to prosecution under this section, which must be proven by a preponderance of the evidence, that the person exposed to hepatitis C virus (HCV) knew that the infected person was infected with hepatitis C virus (HCV), knew that the action could result in infection with hepatitis C virus (HCV), and gave advance consent to the action with that knowledge.

SECTION \_\_. Tennessee Code Annotated, Section 39-13-109, is amended by designating the existing language of subsection (d) as subdivision (d)(1), and by adding the following new subdivisions thereto:

(2) Nothing in this section shall be construed to require the actual transmission of hepatitis B virus (HBV) in order for a person to have committed the offense of criminal exposure to hepatitis B virus (HBV).

(3) Nothing in this section shall be construed to require the actual transmission of hepatitis C virus (HCV) in order for a person to have committed the offense of criminal exposure to hepatitis C virus (HCV).

SECTION \_\_. Tennessee Code Annotated, Section 39-13-109, is amended by deleting subsection (e) and by substituting instead the following:

(e)

(1) Criminal exposure of another to HIV is a Class C felony.

(2) Criminal exposure of another to hepatitis B virus (HBV) or hepatitis C virus (HCV) is a Class A misdemeanor, punishable by a fine only of not more than one thousand dollars (\$1,000). In addition, a victim of criminal exposure to hepatitis B virus (HBV) or hepatitis C virus (HCV) may maintain an action for the expenses and the actual loss of service resulting from such exposure.